

The Gazette



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No. 32] NEW DELHI, SATURDAY, AUGUST 8, 1953

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 1st August 1953 :—

Issue No.	No. and date	Issued by	Subject
197	S. R. O. 1459, dated the 9th July 1953.	Election Commission, India.	Election Petition No. 204 of 1952.
198	S. R. O. 1460, dated the 27th July 1953.	Ministry of Law	Amendments made in the Representation of the People (Conduct of Elections and Election Petitions) Rules 1951.
199	S. R. O. 1461, dated the 28th July 1953.	Election Commission, India.	The Election Commission calls upon the Bhinai constituency to fill the vacancy in the Ajmer Legislative Assembly.
	S. R. O. 1462, dated the 28th July 1953.	Ditto	Appointment of dates with respect to the election to be held in the Bhinai constituency of the Ajmer Legislative Assembly.
	S. R. O. 1463, dated the 28th July 1953.	Ditto	The Election Commission calls upon the Nayanagar constituency to fill the vacancy in the Ajmer Legislative Assembly.
	S. R. O. 1464, dated the 28th July 1953.	Ditto	Appointment of dates with respect to the election to be held in the Nayanagar constituency of the Ajmer Legislative Assembly.
	S. R. O. 1465, dated the 28th July 1953.	Ditto	The Election Commission calls upon the Gagwana constituency to fill the vacancy in the Ajmer Legislative Assembly.
	S. R. O. 1466, dated the 28th July 1953.	Ditto	Appointment of dates with respect to the election to be held in the Gagwana constituency of the Ajmer Legislative Assembly.

Issue No.	No. and date	Issued by	Subject
200	S. R. O. 1467, dated the 25th July 1953.	Election Commission, India.	Election Petition No. 3 of 1952.
202	S. R. O. 1512, dated the 30th July 1953.	Ministry of Commerce and Industry.	Appointment of a body of persons by the Central Government to investigate the circumstances of internal disputes of certain industrial undertakings.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 31st July 1953

S.R.O. 1518.—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby exempts Shri J. N. Dhamija, I.F.S., from the operation of the prohibitions and directions contained in section 6 of the said Act in respect of one .38 bore revolver (No. 322100) and connected ammunition, if any.

[No. 9/38/53-Police-I.]

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 28th July 1953

S.R.O. 1519.—In exercise of the powers conferred by Section 8 of the Bengal Municipal Act, 1932 (XV of 1932), as extended to Chandernagore read with Section 15 of the said Act, the Central Government hereby directs that the following amendment shall be made and shall be deemed always to have been made in notification of the Government of India in the Ministry of External Affairs, No. 167-Eur.I dated the 21st April, 1953, namely.

In the said notification, the following paragraph shall be inserted above the Schedule, namely:—

"2. The Central Government hereby specifies that the number of Commissioners for the Municipality of Chandernagore as thus constituted shall be fifteen."

[No. D.4163-Eur.I/53.]

E. GONSALVES, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CENTRAL EXCISE

New Delhi, the 29th July 1953

S.R.O. 1520.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government hereby directs

-that the following further amendment shall be made in the Central Excise Rules, 1944, namely:—

In Appendix I to the said Rules, in Form B-5(Gen. Sur.) (Central Excise Series No. 28),

- (i) for the words "and our legal representatives" wherever they occur, the words "and my/our legal representatives" shall be substituted; and
- (ii) for the words "We declare that this bond" the words "I/We declare that this bond" shall be substituted.

[No. 17.]

S.R.O. 1521.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government hereby directs that the following further amendment shall be made in the Central Excise Rules, 1944, namely:—

In the Appendix I to the said Rules, in each of the forms of a Bond (Central Excise Series from 17 to 32A), for the words "Governor-General" wherever they occur the word "President" shall be substituted.

[No. 18.]

ORDER

STAMPS

New Delhi, the 15th July 1953

S.R.O. 1522.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits retrospectively and prospectively the duty chargeable in the State of Bombay under the said Act on receipts given by persons receiving advances exceeding rupees twenty under the Land Improvement Loans Act, 1883, (XIX of 1883).

[No. 1.]

A. K. MUKERJI, Dy. Secy.

MINISTRY OF FINANCE (COMMUNICATIONS)

New Delhi, the 21st July 1953

S.R.O. 1523.—In exercise of the powers conferred by section 6 of the Post Office National Savings Certificates Ordinance, 1944 (XLII of 1944), the Central Government hereby directs that the following further amendments shall be made in the Post Office National Savings Certificates Rules, 1944, namely:—

After clause (d) of sub-rule (5) of Rule M of the said Rules, the following clause shall be inserted, namely:—

- "(e) The pledgee is permitted with the written consent of the pledger in this behalf to transfer the certificates to another officer belonging to the same department of the Government in his official capacity after filling in the prescribed form of transfer obtainable at Post Offices".

[No. D-2769-CI/53.]

N. V. VENKATRAMAN, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 3rd August 1953

S.R.O. 1526.—In exercise of the powers conferred by clause 11 of the Sugar and Gur Control Order, 1950, the Central Government hereby directs that the powers under sub clauses (a) to (d) of clause 9 of the said order shall also be

exercisable by the Chief Cost Accounts Officer, Cost Accounts Officers and Assistant Cost Accounts Officers of the Cost Accounts Branch of the Ministry of Finance, Government of India.

[No. SV-105(3)/53.]

P. A. GOPALAKRISHNAN, Joint Secy.

New Delhi, the 31st July 1953

S.R.O. 1524.—In exercise of the powers conferred by Section 4(4) (vii) of the Indian Lac Cess Act, 1930, (XXIV of 1930), the Central Government is pleased to nominate Prof. G. I. Finch, F.R.S., Director, National Chemical Laboratory, Poona, as member of the Governing Body of the Indian Lac Cess Committee for a term of 3 years with effect from the 1st October, 1953, *vice* Dr. S. S. Bhatnagar whose term expires on that date.

[No. F.3-11/53-Com.I.]

New Delhi, the 3rd August 1953

S.R.O. 1525.—In exercise of the powers conferred by Section 4(5) (viii) of the Indian Lac Cess Act, 1930 (XXIV of 1930) the Central Government is pleased to re-nominate the following persons to be the members of the Advisory Board of the Indian Lac Cess Committee for a further term of 3 years with effect from the 1st October, 1953, when their present term expires:—

1. Prof. S. K. Mitra, Ghosh Professor and Head of the Department of Physics, Calcutta University.
2. Dr. S. V. Putambekar, M.Sc., Ph.D., Senior Research Officer-in-Charge Chemistry of Forest Products Branch, Forest Research Institute, Dehra Dun.

[No. F.3-11/53-Com.(I).]

F. C. GERA, Asstt. Secy.

(Agriculture)

New Delhi, the 4th August 1953

S.R.O. 1527.—In pursuance of the provisions of sub-sections (e) and (f) of Section 4 of the Indian Central Oilseeds Committee Act, 1946, (IX of 1946), the following persons are nominated to be *members* of the Indian Central Oilseeds Committee with effect from 1st April, 1953:—

Under Section 4(e) of the Act

1. Dr. J. S. Patel, Director of Agriculture, Bihar, Patna, to represent the Government of Bihar.
2. Dr. T. R. Mehta, Ph.D. (Minn. U.S.A.), Economic Botanist to the Government of U.P., Kanpur, to represent the Government of Uttar Pradesh.
3. Director of Agriculture, Madhya Pradesh, Nagpur, to represent the Government of Madhya Pradesh.
4. Oilseeds Specialist, Agriculture Department, Himayetsagar, Hyderabad (Dn.), to represent the Government of Hyderabad.
5. Director of Industries, Government of Madhya Bharat, Gwalior, to represent the Government of Madhya Bharat.
6. Shri M. K. Appajappa, I.A.S., Director of Agriculture, Mysore, Bangalore, to represent the Government of Mysore.

Under Section 4(f) of the Act

1. Shri Bishan Man Singh, Civil Lines, Fatehpur, Uttar Pradesh, to represent the growers of Uttar Pradesh.
2. Shri C. K. N. S. Nagarajan, Landlord, Valavanur, South Arcot District, to represent the growers of Madras.
3. Shri D. K. Deshmukh, M.L.A., Parwa Jahagir, Taluk Kelapur, Distt., Yeotmal, to represent the growers of Madhya Pradesh.

- 4-5. Shri Narayan Reddy Vakil, Vice-President, District Congress Committee, Nalgonda, and Shri Ram Chander Rao, Jange of Gulberga, to represent the growers of Hyderabad.
6. Shri Rana Man Singh of Susner, Distt., Shajapur, to represent the growers of Madhya Bharat.
7. Shri G. Shivappa, B.A., LL.B., M.L.A., Advocate, Chitaldurg, to represent the growers of Mysore.

[No. F.5-2/53-Com.-1.]

R. L. MEHTA, Dy. Secy.

MINISTRY OF COMMERCE AND INDUSTRY*New Delhi, the 31st July 1953*

S.R.O. 1528.—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of this Ministry's notification No. S.R.O. 1763, dated the 21st October, 1952, the Central Advisory Council of Industries has, at its meeting held on the 29th May 1953, nominated the following to be the members of the Sub-Committee of the Central Advisory Council of Industries:—

1. Shri R. G. Saraiya, Navsari Chambers, Outram Road, Fort. Bombay, vice Shri S. P. Jain.
2. Mr. E. J. Pakes, C/o Messrs. Mackinnon Mackenzie and Co., Ltd., 16, Strand Road, Calcutta-1, vice Mr. C. A. Innes.

[No. 3(10)IA(G)/52.]

R. N. KAPUR, Asstt. Secy.

New Delhi, the 3rd August 1953

S.R.O. 1529.—The following Notification issued by the Iron and Steel Controller, Calcutta, under clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order, 1941, is published for general information:—

"In pursuance of the provisions of clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order, 1941, and in partial modification of this Ministry's Notification No. SC(A)-4(51)/II, dated the 15th September, 1952, published as S.R.O. No. 1581 in the *Gazette of India*, Extraordinary, Part II, Section 3, of the same date, I hereby direct that the said Notification shall not apply in respect of Black Sheets (plain), Black Sheets (corrugated), Galvanised Sheets (plain), Galvanised Sheets (corrugated) and Plates, held by a person other than a Registered Producer or a Controlled Stockholder.

2. Notification No. SC(A)-4(158), dated the 7th July, 1953, issued by the Government of India in the Ministry of Commerce and Industry, (published as S.R.O. No. 1364 in the *Gazette of India*, Part II, Section 3, dated the 11th July, 1953), shall be deemed to have been cancelled.

C. R. NATESAN,
Iron and Steel Controller".

[No. SC(A)-4(158).]

D. HEJMADI, Under Secy.

Bombay, the 25th July 1953

S.R.O. 1530.—In exercise of the powers conferred on me by clause 20 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 9(9)-Tex.1/49, dated the 15th April 1950, namely:—

In the said Notification, in item (b) of Explanation to Direction 4 after the words "spreading over a bed" the words "and includes sheeting;" shall be inserted.

M. R. KAZIMI,
Joint Textile Commissioner.

[No. T.C.(9)13/50.]

New Delhi, the 8th August 1953

S.R.O. 1531.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order, to sub-clause (ii) of Clause 20B the following proviso shall be added, namely:—

“Provided that the Textile Commissioner may by order in writing and having regard to

- (a) the quantity of cloth the count of warp yarn in which (excluding the border) is 48s or finer (either single or folded) produced by the producer during the period of three years 1950, 1951 and 1952,
- (b) the availability of artificial silk yarn,
- (c) the condition of the artificial silk industry in general,

Authorise any producer to employ a specified number of looms not exceeding 5 per cent. of the total number of looms installed in his undertakings for the purpose of weaving a fabric from artificial silk yarn.”

[No. 9(4)-CT(A)/53-6.]

S. A. TECKCHANDANI, Under Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 29th July 1953

S.R.O. 1532.—The following draft of a further amendment in the Indian Aircraft Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 5 and sub-section (2) of section 8 of the Indian Aircraft Act, 1934 (XXII of 1934), is hereby published as required by section 14 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 29th October, 1953 by the Central Government. Any objection or suggestion received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Amendment

After rule 24A of the said Rules, the following rule shall be inserted, namely:—

“24B. *Carriage of prisoners in aircraft.*—No prisoner shall be taken aboard or carried on an aircraft except under and in accordance with permission in writing, of the Director-General and subject to the conditions therein.

Explanation.—The expression “prisoner” means a person who is confined in any prison and includes a person who is arrested under any law for the time being in force.

[No. 10-A/22-53.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 28th July 1953

S.R.O. 1533.—In exercise of the powers conferred by Section 4 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby appoint Shri Behari Lal Goswamy, Commercial Subordinate Judge, Delhi, as Competent Officer for the State of Delhi with effect from the 17th July, 1953, F.N. for the purpose of performing the functions assigned to him by or under the said Act.

[No. 52(47)/53-Prop.]

ORDER

New Delhi, the 30th July 1953

S.R.O. 1534.—In exercise of the powers conferred by section 38 and sub-section (2) of section 55 of the Administration of Evacuee Property Act, 1950 (XXXI of

1950), the Central Government hereby authorises the Lieutenant Governors of Himachal Pradesh and Vindhya Pradesh to exercise within their respective jurisdictions the power of the State Government to grant previous sanction for prosecution under section 38 of that Act.

[No. 42(10)(1)/53-Prop.]

K. P. MISRA, Asstt. Secy.

MINISTRY OF TRANSPORT

PORTS

New Delhi, the 30th July 1953

S.R.O. 1525.—In pursuance of sub-section (3) of section 6 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government is pleased to publish the following return received from the Secretary, the East India Cotton Association Limited, Bombay, namely:—

Return showing the name of the person elected by the East India Cotton Association Limited Bombay, in accordance with the provisions of Section 13 (2) of the Bombay Port Trust Act, 1879, to be a member of the Board of Trustees of the Port of Bombay during the absence on leave of Shri Madanmohan R. Rula,

Date of election	Name of person elected
14th July, 1953	Shri Chimanlal Bapalal Parikh.

[No. 8-P.I(106)53.]

K. NARAYANAN, Under Secy.

New Delhi, the 3rd August 1953

S.R.O. 1536.—In exercise of the powers conferred by section 52 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby directs that the following further amendments shall be made in the Delhi Road Transport Authority (Audit) Rules, 1951, published with the Notification of the Government of India in the Ministry of Transport No. S.R.O. 448, dated the 24th March, 1951, namely:—

In sub-rule (3) of rule 3 of the said Rules—

- (a) for the words "fifteenth of June", the words "thirtieth day of September" shall be substituted.
- (b) for the proviso, the following proviso shall be substituted, namely:—

"Provided that on the application by the Authority, the Central Government may, in consultation with the Comptroller and Auditor General, extend the said date by such period as it may deem necessary".

[No. 18-TAG(2)/53.]

S. N. CHIB, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 30th July 1953

S.R.O. 1537.—In pursuance of sub-paragraph (1) of paragraph 3 of the Coal Mines Provident Fund Scheme, published with the notification of the Government of India in the Ministry of Labour No. P.F.15(5)/48, dated the 11th December, 1948, the Central Government hereby nominates Shri K. N. Subramanian, I.C.S., Secretary to the Government of India, Ministry of Labour, as Chairman of the

Board of Trustees of the Coal Mines Provident Fund constituted by the notification of the Government of India in the Ministry of Labour No. PF.15(13), dated the 12th April, 1950, *vice* Shri V. K. R. Menon, I.C.S.

[No. P.F.2(33)/53.]

S.R.O. 1538.—In pursuance of clause (a) of sub-paragraph (1) or paragraph 3 of the Employees' Provident Fund Scheme, 1952, published with the notification of the Government of India in the Ministry of Labour No. S.R.O. 1509, dated the 2nd September 1952, the Central Government hereby nominates Shri K. N. Subramanian, I.C.S., Secretary to the Government of India, Ministry of Labour, as Chairman of the Central Board of Trustees of the Employees' Provident Fund constituted by the notification of the Government of India, in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, *vice* Shri V. K. R. Menon, I.C.S.

[No. P.F.516(3).]

N. M. PATNAIK, Dy. Secy.

New Delhi, the 31st July 1953

S.R.O. 1539.—The following draft of further amendments in the Minimum Wages (Central) Rules, 1950, which it is proposed to make in exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (XI of 1948), is published as required by the said section for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 8th September 1953.

Any objection or suggestion which may be received from any person with respect to the said draft on or before the date specified will be considered by the Central Government.

Amendments

In the said Rules:—

1. After clause (f) of rule 2, the following clause shall be inserted, namely:—
“(ff) ‘day’ means a period of twenty-four hours beginning at midnight.”
2. After rule 24, the following rule shall be inserted, namely:—
“24A. *Night shifts.*—Where a worker in a scheduled employment works on a shift which extends beyond midnight,—
(a) for the purposes of rule 23, a holiday for the whole day shall mean in his case a period of twenty-four consecutive hours beginning when his shift ends;
(b) the following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day.”

[No. LWI-24(159)/53.]

P. N. SHARMA, Under Secy.

New Delhi, the 1st August 1953

S.R.O. 1540.—In exercise of the powers conferred by Section 14 of the Industrial Employment (Standing Orders) Act, 1948 (XX of 1948), the Central Government hereby exempts the Map Reproduction and Printing offices known as Hathi-barkala Litho Office and Photo Zinco Office at Dehra Dun and the Photo Litho Office at Calcutta from the provisions of the said Act.

[No. LR.11(126).]

New Delhi, the 4th August 1953

S.R.O. 1541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Naba Gopal Roy, an employee of the New Gobindapur Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 1 OF 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application u/s 33A of Industrial Disputes Act 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

PARTIES:

Naba Gopal Roy, Amlapara, P.O. Jharua, Manbhum—*Applicant.**Versus*Manager, New Gobindapur Colliery, P.O. Katrasgarh, Manbhum—*Opposite Party.*

APPEARANCES:

Shri Lalit Burman, General Secretary, Loyabad Labour Union, Loyabad, P.O. Bansjora, Manbhum—*For the Applicant.*Shri K. N. Ganguli, Manager, New Gobindapur Colliery, P.O. Katrasgarh, Manbhum—*For the Opposite party.*

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947.

2. The applicant was working as the Assistant Cashier in the New Gobindapur Colliery and was given a month's notice of discharge on 1st December 1952. He was given his pay, bonus, etc. on 20th December 1952 and was discharged from that date. As this was done without the permission of this Tribunal during the pendency of Reference No. 6 of 1952, the applicant filed the present application under Section 33A of the Act.

3. The opposite party contended that the application was not maintainable as the opposite party was not an employer; that a month's notice was given to the applicant terminating his services from 1st January 1953; that the notice was legal and valid; that the applicant was found to be a patient of Asthma and of weak health and was unable to discharge his duties properly and efficiently; that the management waited long to see if he could recoup his health and work efficiently, but it was found that he could not do so; and hence a notice of discharge was given to him; that the application should therefore be dismissed.

4. The applicant filed the present application, mentioning the Manager of the New Gobindapur Colliery as the opposite party? The opposite party contends that he (i.e. the Manager) is or was not the employer of the applicant and he himself was an employee of the colliery. It was therefore contended that the present application was not maintainable. Technically, this contention is correct. The employer of the applicant was the owner or the proprietor of the colliery and not the manager who was himself an employee. The application should have been filed against the proprietor or owner of the colliery and not against the Manager. I would have given an opportunity to the applicant to join the real employer as a party to this application. I however find that his discharge is valid and proper and no useful purpose would be served by making the proprietor of the colliery a party.

5. There can be no doubt that Section 33 of the Act has been infringed in the present case, because the applicant has been discharged during the pendency of Reference No. 6 of 1952 to which the New Gobindapur Colliery and its workmen are parties. I shall therefore now proceed to consider whether the discharge of the applicant is proper or not.

6. Admittedly the applicant was appointed as an Assistant Cashier in this colliery from 14th March 1951. He was given a notice of discharge on 1st December 1952 stating that his services were no longer required with effect from 1st January 1953. His salary was Rs. 40 per month and he was being paid Rs. 60 per month as Dearness allowance, that is, he was paid Rs. 100 in all per month. He has also admitted that he was being paid Rs. 40 as quarterly bonus. The management paid him his whole pay for the month of December 1952 and also bonus for the quarter ending December 1952 on 20th December 1952. The applicant admits this and also admits that he signed two receipts at that time. He however urges that he signed the two receipts and took the money under compulsion. I do not agree with his contention. Not only is there not an iota of

evidence beyond his bare word in support of this allegation, but I find that the circumstances go to show that his allegations are not true.

7. Under Standing Order No. 25 of the Standing Orders for the Coalmining Industry, the management can terminate employment by giving one month's notice in writing for monthly paid staff. In the present case, such a notice was given by the management to the applicant. The applicant has never alleged that there was want of any *bona fides* or malice or unfair labour practice or victimisation in his case. The management have on the other hand said that not only did they find that the applicant was not doing work efficiently but he was an old man and was suffering from Asthma and that is why they had to discharge him from service. In this connection, they have produced a letter written to them by the Medical Officer stating that the applicant was suffering from Asthma like attack with very much low blood pressure and that he was complaining of vertigo and weakness. The Medical Officer therefore advised him to take absolute rest and not to expose himself in dust or smoke of the colliery which may be injurious for his health. The applicant admits that he was examined by the Medical Officer two or three days before the notice of discharge was given to him. The Medical Officer's above letter is dated 30th November 1952. It was on receipt thereof that notice of discharge was given to the applicant on 1st December 1952. The applicant by his own showing is 59 years of age. The management thus found that the applicant was not only an old man but was suffering from Asthma and low blood pressure and the Medical Officer had advised him rest. The Medical Officer had also advised him that he should not expose himself to dust and smoke of the colliery in the interest of his health. In the circumstances, I think that the action of the management in giving a month's notice of discharge to the applicant was proper and *bona fide* and justified. As I said above, the applicant has never urged want of *bona fides*, victimisation, unfair labour practice, or the like against the management.

8. In his evidence, the applicant has said that he was never absent from duty till 15th December 1952 from the date he was working in the colliery. He has further said that he went away to Jharia on 16th December, 1952 and returned to the colliery on 20th December 1952 when he was paid Rs. 140 by force and his signature was also obtained by force. On the other hand, the management have produced the attendance register of the colliery which shows that the applicant had taken leave for 37 days in all from time to time during the period of his service. I may mention here that the attendance register appeared to have been written at one stretch. I may also mention that the management have not produced a single application for leave given by the applicant; but on this point, they say that in this colliery there was no practice of having written applications for leave and that leave was generally granted on oral application. Whether the management's allegation that the applicant had taken leave in all for 37 days during the period of his service is correct or not, I am satisfied that the applicant's allegation that he was not absent from duty at any time before 15th December 1952 is not correct. According to the attendance register produced by the opposite party, the applicant was absent from duty without leave from 12th December 1952 to 14th December 1952 (both days inclusive). It is admitted by the applicant that on 12th December 1952 he addressed a typed letter to the managing agents of the colliery. The applicant further admits that he got this letter typed by a private typist at Jharia. He admits that his duty hours were from 8 A.M. to 12 Noon and 3 P.M. to 6 P.M. and says that he went to Jharia during his off hours (12 Noon to 2 P.M.) without taking leave or permission. According to him, he left the colliery at about 12 P.M. and went by bus to Jharia where he got the letter typed. Then he went by bus to Dhanbad and from there he went by train to Sonardih and thence to the colliery. Jharia would be about 12 to 13 miles from the colliery. Even if the applicant got a bus immediately on coming out of the colliery at 12 Noon, he could not have reached Jharia before 12-30. He would have to get the letter typed and then go by bus to Dhanbad and even if everything was done quickly and no time was lost in waiting or the like, he could not have reached Dhanbad before 1 P.M. There is no train after this from Dhanbad to go to Sonardih. One train leaves Dhanbad at 12-10 P.M. and the next train after this leaves Dhanbad at 4-4 P.M. and they reach Sonardih at 1-21 and 5-14 P.M. respectively. Each train thus takes 1½ hours to go from Dhanbad to Sonardih. If the applicant left the colliery at 12 Noon, he could not have returned there before 5-30 P.M. In my opinion, it was physically impossible for him to leave the colliery at 12 Noon and return at 3 P.M. as contended by him. This clearly shows that at least on 12th December 1952, he was absent from the colliery without leave.

9. He then admits that he left the colliery and went away to Jharia on 16th December 1952. He then says that a telephone message was sent to him through

one Mr. Ganapathy saying that all his dues would be properly paid to him. It was because of this that the applicant went to the colliery on 20th December 1952. There can thus be no doubt that he went to the colliery with the specific purpose of receiving the money due to him and it could not be believed that he was not willing to accept the money and still it was pressed on him. He was admittedly paid Rs. 140 and two receipts one for Rs. 100 and the other for Rs. 40 were taken from him. The first receipt is for Rs. 40 as pay for December and Rs. 60 as Dearness allowance for that period, and the second receipt was for Rs. 40 payable to him as bonus for the quarter ending December 1952. The applicant has stated in his deposition that when he was paid Rs. 140, he demanded that he should also be paid cash concession, cash bonus etc., but the manager said that nothing of the sort would be paid to him. He has further alleged that his belongings were thrown away by force but there is nothing to support this allegation. He states that a peon and two clerks of the colliery threw out his belongings and sent them with a coolie to the bus stand; but it is significant to note that the coolie was paid by the applicant. If what he alleges is true, namely that his belongings were thrown out by force, he would have made a complaint to the police about it. He admits that he did not do so, saying that this was not done as his health was not good. He has a grown up son living with him and even if his health was not good, he could have sent his son to the police. Similarly regarding the money paid to him, he never made any attempt to return it. On the other hand, looking to the fact that he went to the colliery on receiving a telephone message that all his dues would be paid to him and looking further to the fact that he signed two receipts and also looking to the fact that he demanded payment of cash concession, cash bonus, etc., there can be no doubt that he had gone to the colliery for the specific purpose of getting money and he received the money willingly. In this connection, I may also refer to his letter addressed to the Regional Labour Commissioner dated 24th December 1952, wherein he complained that he was not paid the proper bonus, and also that he was not paid certain other amounts due to him. I am satisfied that the applicant received his dues willingly and voluntarily signed the receipts and not under force or compulsion.

10. It was argued on his behalf that as he was discharged during the pendency of the Reference No. 6 of 1952 in contravention of section 33, he must be reinstated, irrespective of the merits of the case and that if there were proper grounds to discharge him, he may be discharged as from the date of the order passed by the Tribunal. I do not agree with this contention. The effect of the employer committing a breach of Section 33 would be that it would give a right to an individual workman to apply to the Tribunal and the Tribunal would treat it as a reference and make an award even without the matter being referred to it by the Government. The Tribunal would have to see firstly that there was a breach of Section 33 and in that case, it would have to consider whether the discharge was proper or not. If it is held that it was not proper, it would pass a proper award ordering reinstatement or compensation or both. If on the other hand, the Tribunal felt that the discharge was proper, no relief could be granted to the workman. In my opinion, the present case is of the latter type. Hence even though there may be a breach of Section 33, it would not *ipso facto* entitle the applicant to reinstatement or to compensation. As I said above, the applicant has not filed the application against the real employer and the application is liable to be dismissed on that ground; but even on merits also, the applicant is not entitled to any relief.

11. The result is that the application fails. The applicant is not entitled to any relief. I pass my award accordingly.

(Sd.) L. P. DAVE, Chairman.

The 24th July, 1953.

[No. LR.2(365).]

—S.N.O. 1542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Messrs. Dayanat, Abdul Karim, Abdul Aziz, Ferzand Ali and Rahman Mian, employees of the West Bokaro Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 2 of 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application u/s 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

PARTIES:

1. Dayanat, 2. Abdul Karim, 3. Abdul Aziz, 4. Ferzand Ali, and 5. Rahman Mian, c/o West Bokaro Colliery, P.O. Ghatotand, Dist. Hazaribagh—*Applicants.*

Versus

Deputy Agent, West Bokaro Colliery, P.O. Ghatotand, Dist. Hazaribagh—*Opposite Party.*

APPEARANCES:

Shri Balram Roy, General Secretary, West Bokaro Colliery Workers' Union, P.O. Bermo (Hazaribagh)—*For the Applicants.*

Shri J. Prasad, c/o West Bokaro Colliery, P.O. Ghatotand, Dist. Hazaribagh—*For the Opposite Party.*

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947.

2. It was filed by five workmen of the West Bokaro Colliery, through Sh. Balram Roy, General Secretary, West Bokaro Colliery Workers' Union, alleging that they were illegally and wrongfully discharged, without any cause during the pendency of Reference No. 6 of 1952 without obtaining the permission of the Tribunal. The opposite party denied the allegations made in the application. It alleged that the applicants along with some other persons were found to be involved in rioting and other disorderly conduct on 3rd August 1952 and were taken into custody by the police and proceedings were taken against them under Section 107 Cr.P.C. The management thereupon suspended the applicants. Later on, the applicants were found to be absent from the colliery without permission and were thereupon dismissed.

3. The matter was heard by me on 26th June 1953 and adjourned for passing orders. On 10th July 1953, an application was given to me by the parties stating that the matter was amicably settled between them and a copy of the terms of the settlement was produced before me. The applicants wanted to withdraw the said application. This application was signed by Shri J. Prasad on behalf of the management and also purported to have been signed by the five applicants. One of them namely Rehman Khan was present and he admitted the application. (He was identified by a pleader named Mr. K. L. Paul). The other applicants were not present and the matter was adjourned for obtaining their consent. On the following day (i.e. 11th July 1953), the remaining four applicants appeared before me along with Mr. Balram Roy. The applicants and Mr. Balram Roy signed the application for withdrawal before me and admitted the same. Thus all the applicants stated that they want to withdraw the application, because there has been an amicable settlement. Under the said settlement the management agreed to reinstate all workmen with effect from 15th May 1953; and in consideration thereof, the workmen agreed to forego all their claims for back wages etc. upto that date. An application under Section 33A is an individual and personal application and is made by an aggrieved workman. Such a workman has also a right to withdraw an application made by him. In the present case, all the applicants now desire to withdraw the application because the management have agreed to reinstate them in service from 15th May 1953.

4. In the circumstances, the application is allowed to be withdrawn. I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman.*

The 27th July 1953.

[No. LR.2(365)I.]

P. S. EASWARAN, Under Secy:-

ORDER

New Delhi, the 1st August 1953

S.R.O. 1543.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bombay Life Assurance Co., Ltd., Bombay and their employees in the Head Office, Branch offices, Inspectorates and all other offices of the Company including Chief Agencies, in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7 of the said Act.

SCHEDULE

1. Scales of pay;
2. Dearness allowance;
3. Allowances for specialised type of work;
4. Gratuity;
5. Bonus for the years 1948 to 1952;
6. Working Hours;
7. Leave;
8. Payment of increments to certain employees in the Head office in terms of the Shah Award;
9. Re-instatement of and/or compensation for, Shri Vichare;
10. Inclusion of the service of employees previously working under the chief agencies of the company rendered under such chief agencies for the purposes of determining their entry into the company's service and for entitling them to the benefits and privileges of service under the Company.

[No. I.R.90(17).]

N. C. KUPPUSWAMI Dy. Secy.

ORDER

New Delhi, the 4th August 1953

S.R.O. 1544.—Whereas the Central Government is of opinion that an industrial dispute exists between employers in relation to each of the banking companies specified in column 3 of the Schedule annexed to this Order and the workman or workmen specified in the corresponding entry in column 2 thereof;

And whereas the Central Government considers it desirable to refer to adjudication the matters specified in column 4 of the said Schedule, which are matters in dispute;

Now, therefore, in exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers to the Industrial Tribunal at Dhanbad constituted under Section 7 of the said Act for adjudication each of the said matters specified in column 4 of the said Schedule, being a matter between the employers in relation to the banking company specified in the corresponding entry in column 3 of the said Schedule and the workman or workmen specified in the corresponding entry in column 2 thereof.

SCHEDULE

S. No. 1	Name of the workman 2	Name of the Employer 3	Nature of dispute 4	Address of the Workman 5
1.	Shri Chhagan Lal Mundra	Imperial Bank of India Ltd. (Bengal Circle).	Dismissal from service.	New Tin Shed, Shop No. 19 Bistupur Bazar, Jamshedpur.
2.	Shri Nabin Chandra Tewary.	do.	Discharge from service.	C/o Shri Jyotindra Pd. Tewari, Collectorate, Bhagalpur.
3.	Shri Rama Kant Jha	do.	Dismissal from service.	Vill. & P. O. Jogiara, Dist. Darbhanga.
4.	Shri Anant Prasad	Imperial Bank of India Ltd. (Bengal Circle).	Stoppage of increment.	C/o Imperial Bank of India, Patna.
5.	Shri Vikramaditya Roy.	Hindustan Commercial Bank Ltd.	Termination of service.	C/o Jagat Narain Rai. Hasanpur Bazar, P. O. Hasanpur Sugar Mills Dist. Darbhanga.
6.	Shri S. N. Daga	Bank of Bikaner Ltd.	do.	C/o The Belsund Sugar Co. Ltd. P. O. Righa (Distt. Muzaffarpur).
7.	Shri N.C. Chowdhary	Imperial Bank of India Ltd.	Dismissal from service.	C/o Dalip Mahal, Monghyr
8.	Shri Surendra Prasad Mishra	do.	do.	C/o M/s Nathunilal and Sons, Dr. Rajendra Prasad Road, Bekapur (Monghyr).

[No. LR.100(89).]

P. S. EASWARAN, Under Secy.